

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 368**  
FINAL READING

Introduced by Dierks, 40

Read first time January 8, 2001

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to veterans; to amend sections 48-225 and  
2 80-401.01, Reissue Revised Statutes of Nebraska, and  
3 section 80-411, Revised Statutes Supplement, 2000; to  
4 change provisions relating to periods of service in the  
5 United States Armed Forces; to harmonize provisions; and  
6 to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1                   Section 1.   Section 48-225, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   48-225. As used in sections 48-225 to 48-231, unless the  
4 context otherwise requires:

5                   (1) Veteran ~~shall mean~~ means any person who served  
6 full-time duty with military pay and allowances in the armed forces  
7 of the United States, except for training or for determining  
8 physical fitness, and was discharged under honorable conditions;

9                   (2) Full-time duty ~~shall mean~~ means duty during time of  
10 war or during a period recognized by the United States Department  
11 of Veterans Affairs as qualifying for veterans benefits  
12 administered by the department and that such duty from January 31,  
13 1955, to ~~August 5, 1964,~~ February 28, 1961, exceeded one  
14 hundred eighty days unless lesser duty was the result of a  
15 service-connected or service-aggravated disability;

16                   (3) Disabled veteran ~~shall mean~~ means an individual who  
17 has served on active duty in the armed forces of the United States,  
18 has been separated therefrom under honorable conditions, and has  
19 established the present existence of a service-connected disability  
20 or is receiving compensation, disability retirement benefits, or  
21 pension because of a public statute administered by the United  
22 States Department of Veterans Affairs or a military department; and

23                   (4) Preference eligible ~~shall mean~~ means any veteran as  
24 defined in this section.

25                   Sec. 2. Section 80-401.01, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27                   80-401.01. For purposes of sections 80-401 to 80-412,  
28 unless the context otherwise requires:

1           (1) Recognized veterans organization ~~shall mean~~ means the  
2 American Legion, the American Ex-Prisoners of War, the Disabled  
3 American Veterans, the Military Order of the Purple Heart, the  
4 Paralyzed Veterans of America, the Veterans of Foreign Wars of the  
5 United States, the Vietnam Veterans of America, and any other  
6 veterans organization which the Director of Veterans' Affairs  
7 determines (a) is recognized by the United States Department of  
8 Veterans Affairs for claims representation, (b) has a presence in  
9 each of this state's congressional districts, and (c) maintains a  
10 state headquarters sanctioned by its national organization;

11           (2) Veteran of the Spanish-American War ~~shall mean~~ means  
12 a person who served on active duty in the armed forces of the  
13 United States between April 21, 1898, and July 4, 1902, and who  
14 received an honorable discharge, or its equivalent, from such  
15 service or who, being a citizen of the United States at the time of  
16 his or her entry into such service, served with the military forces  
17 of any government allied with the United States in that war;

18           (3) Veteran of World War I ~~shall mean~~ means a person who  
19 served on active duty in the armed forces of the United States  
20 between April 6, 1917, and November 11, 1918, and who has received  
21 an honorable discharge, or its equivalent, from such service or  
22 who, being a resident of the United States at the time of his or  
23 her entry into such service, served with the military forces of any  
24 government allied with the United States in that war;

25           (4) Veteran of World War II ~~shall mean~~ means a person who  
26 served on active duty in the armed forces of the United States  
27 between December 7, 1941, and December 31, 1946, and who received  
28 an honorable discharge, or its equivalent, from such service or

1 who, being a citizen of the United States at the time of his or her  
2 entry into such service, served with the military forces of any  
3 government allied with the United States in that war and who  
4 received an honorable discharge, or its equivalent, from such  
5 service;

6 (5) Veteran of the Korean War ~~shall mean~~ means a person  
7 who served on active duty in the armed forces of the United States  
8 between June 25, 1950, and January 31, 1955, and who received an  
9 honorable discharge, or its equivalent, from such service or who,  
10 being a citizen of the United States at the time of his or her  
11 entry into such service, served with the military forces of any  
12 government allied with the United States in that war and who  
13 received an honorable discharge, or its equivalent, from such  
14 service;

15 (6) Veteran of the Vietnam War ~~shall mean~~ means a person  
16 who served on active duty in the armed forces of the United States  
17 between ~~August 5, 1964~~ February 28, 1961, and May 7, 1975, and who  
18 received an honorable discharge, or its equivalent, from such  
19 service or who, being a citizen of the United States at the time of  
20 his or her entry into such service, served with the military forces  
21 of any government allied with the United States in that war and who  
22 received an honorable discharge, or its equivalent, from such  
23 service;

24 (7) Veteran of Lebanon ~~shall mean~~ means a person who  
25 served on active duty in the armed forces of the United States  
26 between August 25, 1982, and February 26, 1984, and who received an  
27 honorable discharge, or its equivalent, from such service or who,  
28 being a citizen of the United States at the time of his or her

1 entry into such service, served with the military forces of any  
2 government allied with the United States in that war and who  
3 received an honorable discharge, or its equivalent, from such  
4 service;

5 (8) Veteran of Grenada ~~shall mean~~ means a person who  
6 served on active duty in the armed forces of the United States  
7 between October 23, 1983, and November 23, 1983, and who received  
8 an honorable discharge, or its equivalent, from such service or  
9 who, being a citizen of the United States at the time of his or her  
10 entry into such service, served with the military forces of any  
11 government allied with the United States in that war and who  
12 received an honorable discharge, or its equivalent, from such  
13 service;

14 (9) Veteran of Panama ~~shall mean~~ means a person who  
15 served on active duty in the armed forces of the United States  
16 between December 20, 1989, and January 31, 1990, and who received  
17 an honorable discharge, or its equivalent, from such service or  
18 who, being a citizen of the United States at the time of his or her  
19 entry into such service, served with the military forces of any  
20 government allied with the United States in that war and who  
21 received an honorable discharge, or its equivalent, from such  
22 service;

23 (10) Veteran of the Persian Gulf War ~~shall mean~~ means a  
24 person who served on active duty in the armed forces of the United  
25 States beginning on August 2, 1990, and ending on the date  
26 thereafter prescribed by presidential proclamation or by law, and  
27 who received an honorable discharge, or its equivalent, from such  
28 service or who, being a citizen of the United States at the time of

1 his or her entry into such service, served with the military forces  
2 of any government allied with the United States in that war and who  
3 received an honorable discharge, or its equivalent, from such  
4 service;

5 (11) Active duty ~~shall mean~~ means full-time duty in the  
6 armed forces other than active duty for training; and

7 (12) Active duty for training ~~shall mean~~ means full-time  
8 duty in the armed forces performed by reserves for training  
9 purposes.

10 Sec. 3. Section 80-411, Revised Statutes Supplement,  
11 2000, is amended to read:

12 80-411. (1) The University of Nebraska, the state  
13 colleges, and the community colleges shall waive all tuition on  
14 behalf of a dependent of a veteran pursuant to this section. A  
15 person shall be eligible for the waiver if he or she meets the  
16 following requirements:

17 (a) He or she is a resident of this state and meets the  
18 appropriate institution's requirements for establishing residency  
19 for the purpose of paying instate tuition;

20 (b) He or she has a parent, stepparent, or spouse who was  
21 a member of the armed forces of the United States and who:

22 (i) Died of a service-connected disability; ~~in World War~~  
23 ~~I as defined in section 80-401.01;~~

24 (ii) ~~Died of a service-connected disability on December~~  
25 ~~7, 1941, or subsequently until such future date as determined by~~  
26 ~~the Legislature;~~

27 ~~(iii)~~ Died subsequent to discharge as a result of injury  
28 or illness sustained while a member of the armed forces which may

1 or may not have resulted in total disability;

2           ~~(iv)~~ (iii) Is permanently and totally disabled as a  
3 result of military service. ~~during such periods.~~ Permanent and  
4 total disability does not include total ratings or other temporary  
5 ratings except total ratings based on individual unemployability if  
6 permanent; or

7           ~~(v)~~ (iv) While a member of the armed forces of the United  
8 States, is classified as missing in action or as a prisoner of war  
9 during armed hostilities; and after August 4, 1964, and

10           (c) If he or she is a child or stepchild of a person  
11 described in subdivision (1)(b) of this section, he or she is under  
12 the age of twenty-six years unless he or she serves on active duty  
13 with the armed forces after his or her eighteenth birthday but  
14 before his or her twenty-sixth birthday, in which case such period  
15 shall end five years after his or her first discharge or release  
16 from such duty with the armed forces, but in no event shall such  
17 period be extended beyond the thirty-first birthday.

18           (2) An application for a waiver shall be submitted  
19 through one of the recognized veterans organizations or any county  
20 service officer on a form to be prescribed by the Director of  
21 Veterans' Affairs. The organization or county service officer  
22 shall thoroughly investigate to determine if the applicant is  
23 eligible for the waiver and transmit a recommendation for action on  
24 the application to the director.

25           (3) If the director determines that the applicant is  
26 eligible for the waiver, the director shall so certify to the  
27 institution in which the applicant desires to enroll. The decision  
28 of the director shall, in the absence of fraud or misrepresentation

1 on the part of the applicant, be final and shall be binding upon  
2 the applicant and upon the institutions specified in this section.  
3 The director shall adopt and promulgate reasonable rules and  
4 regulations for the administration of this section.

5 (4) The waiver shall be valid for one degree, diploma, or  
6 certificate from a community college and one baccalaureate degree.  
7 Receipt of such degree, diploma, or certificate from a community  
8 college shall precede receipt of such baccalaureate degree.

9 Sec. 4. Original sections 48-225 and 80-401.01, Reissue  
10 Revised Statutes of Nebraska, and section 80-411, Revised Statutes  
11 Supplement, 2000, are repealed.